
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Forsythe Broadcasting, LLC)	File No.: EB-FIELDNER-14-00014481
Licensee of Station WNJC)	
)	NOV No.: V201432400019
Washington Township, New Jersey)	
)	

NOTICE OF VIOLATION

Released: April 10, 2014

By the District Director, Philadelphia Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Forsythe Broadcasting, LLC (Forsythe Broadcasting), licensee of AM Broadcast Station WNJC in Washington Township, New Jersey. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.²

2. On March 7, 2014, agents of the Enforcement Bureau's Philadelphia Office conducted an inspection of Station WNJC's main studio located at 123 Egg Harbor Road, Sewell, New Jersey and observed the following violations:

- a. 47 C.F.R. § 73.1560(d): "In the event it becomes technically impossible to operate at authorized power, a broadcast station may operate at reduced power for a period of not more than 30 days without specific authority from the FCC. If operation at reduced power will exceed 10 consecutive days, notification must be made to the FCC in Washington, DC, not later than 10th day of the lower power operation." Based on a review of Station WNJC's station logs and information from station staff, the agent determined that Forsythe Broadcasting operated Station WNJC at reduced power between January 1, 2014 and February 20, 2014, a period of more than 10 consecutive days, without notifying the Commission in writing as required.
- b. 47 C.F.R. § 11.56: "Obligation to process [Common Alerting Protocol] CAP-formatted EAS messages. (a) On or by June 30, 2012, EAS Participants must have deployed operational equipment that is capable of the following:

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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(1) Acquiring EAS alert messages in accordance with the monitoring requirements in §11.52(d)(2); (2) Converting EAS alert messages that have been formatted pursuant to the Organization for the Advancement of Structured Information Standards (OASIS) Common Alerting Protocol...” During the inspection conducted on March 7, 2014, WNJC did not have the required CAP-formatted EAS equipment.³

3. As the nation’s emergency warning system, the Emergency Alert System is critical to public safety, and we recognize the vital role that cable operators play in ensuring its success. The Commission takes seriously any violations of the Rules implementing the EAS and expects full compliance from its regulatees. We also must investigate violations of other rules that apply to cable system operators. Pursuant to Section 403 of the Communications Act of 1934, as amended,⁴ and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, Forsythe Broadcasting must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, (iii) must specify whether EAS CAP equipment has been installed or ordered and (iv) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁵

4. In accordance with Section 1.16 of the Rules, we direct Forsythe Broadcasting to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Forsythe Broadcasting with personal knowledge of the representations provided in Forsythe Broadcasting’s response, verifying the truth and accuracy of the information therein,⁶ and confirming that all of the information requested by this Notice which is in the licensee’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁷

³ 47 C.F.R. § 11.56. Review of the Emergency Alert System, 77 Fed. Reg. 16688, 16706 (Mar. 22, 2012), as amended, 77 FR 26701, 26703, (May 7, 2012).

⁴ 47 U.S.C. § 403.

⁵ 47 C.F.R. § 1.89(c).

⁶ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁷ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Philadelphia Office
One Oxford Valley Building Office, Suite 404
2300 E. Lincoln Highway
Langhorne, Pennsylvania 19047

6. This Notice shall be sent to Forsythe Broadcasting, LLC at its address of record.

7. The Privacy Act of 1974⁸ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

David C. Dombrowski
District Director
Philadelphia Office
Northeast Region
Enforcement Bureau

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).